

### **TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE**

**NOTICE IS HEREBY GIVEN** that the Department of Food and Agriculture (herein after referred to as "Department") is proposing to take the action described in the Informative Digest.

A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than **15 days prior to the close of the written comment period**. Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person by 5:00 p.m. on **June 9, 2003**.

Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

**Authority and Reference:** Pursuant to the authority vested by sections 407 of the Food and Agricultural Code, and to implement, interpret or make specific sections 9561 and 9562 of said Code, the Department proposes to repeal existing Article 3.5, amend Article 3, and add sections 760 through 760.9 to Chapter 2, Division 2, of Title 3 of the California Code of Regulations as follows:

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Food and Agricultural Code section 9561 authorizes the State Veterinarian of the Department to establish regulations to prevent or eradicate any condition that could cause risk to animals or the health and safety of the citizens of this state. Section 9562 further authorizes the State Veterinarian to quarantine or restrict the movement of animals or animal products to minimize the risk of an illness that could kill or seriously damage other animals or humans.

Existing Articles 3 and 3.5, et seq., of Chapter 2, Division 2, of Title 3 of the California Code of Regulations, sets forth the requirements for the movement of sheep into and within the state to prevent the introduction and spread of sheep scabies and scrapie diseases in California and potentially the United States.

This proposal repeals section 760, Article 3.5 and section 765, amends Article 3, and adds new sections 760 through 760.9 to update the requirements for the interstate and intrastate movement of sheep, and adds requirements for goats, pursuant to 9 CFR Part 79 (1/1/02 Edition). The revised requirements are needed for California to maintain its national status as a "consistent state", meaning that it is in compliance with federal regulations for the prevention or elimination of diseases specific to sheep and goats that could ultimately adversely affect human health and the state's agricultural industry. The

intent of these requirements is to prevent or control the spread of diseases specific to sheep and goats in California, and potentially the United States, pursuant to Food and Agricultural Code section 9561.

## **FISCAL IMPACT STATEMENTS**

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Department has made an initial determination that the proposed regulatory action would not have significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. This proposal contains the following requirements: (1) record keeping, (2) reporting and (3) animal identification as follows:

(1) The costs associated with the record keeping requirement can not be determined as the number and type of animals bought and sold determines the volume of record keeping and, therefore, the costs. However, the Department has determined that record keeping is a standard business practice for persons marketing livestock and necessary for the tracking or tracing of animals found to be infected with diseases having the potential to cause serious health risks to livestock in the state.

(2) The reporting requirement does not impose any cost to persons or businesses.

(3) The animal identification required by this proposal imposes minimal costs to businesses and persons, as the United States Department of Agriculture provides identification tags at no cost to accredited, licensed veterinarians and owners of livestock.

In making these determinations, the Department has not considered alternatives that would lessen any adverse economic impact on businesses and invites the public to submit such proposals during the written comment period.

Impact on Jobs/New Businesses: The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impacts on Private Persons or Entities: The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, and that are known to the Department are: (1) record keeping, (2) reporting and (3) animal identification as follows:

(1) The costs associated with the record keeping requirement can not be determined as the number and type of animals bought and sold determines the volume of record keeping and, therefore, the costs. However, the Department has determined that record keeping is a standard business practice for persons marketing livestock and necessary for the tracking or tracing of animals found to be infected with diseases having the potential to cause serious health risks to livestock in the state.

(2) The reporting requirement does not impose any cost to persons.

(3) The animal identification required by this proposal imposes minimal costs to businesses and persons, as the United States Department of Agriculture provides identification tags at no cost to accredited, licensed veterinarians and owners of livestock.

Effect on Housing Costs: None

### **EFFECT ON SMALL BUSINESS**

The Department has determined that the proposed regulations would affect small businesses.

### **CONSIDERATION OF ALTERNATIVES**

The Department must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing (if a hearing is requested from the public), or during the public comment period.

### **INITIAL STATEMENT OF REASONS**

The Department has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

### **TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing (if a hearing is requested) or during the public comment period upon request from the Department of Food and Agriculture, 1220 N Street, Room A-114, Sacramento, CA 95814.

## **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the persons named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact persons named below.

### **CONTACT PERSONS**

Inquires concerning the substance of the proposed regulations are to be addressed to the following:

Name: Thami Rodgers, Associate Analyst  
Address: Department of Food and Agriculture  
Animal Health and Food Safety Services  
1220 N Street, Room A-114  
Sacramento, CA 95814  
Telephone No.: (916) 698-3276  
Fax No.: (916) 653-4249  
E-mail address: [trodgers@cdfa.ca.gov](mailto:trodgers@cdfa.ca.gov)

The backup contact person is:

Name: Nancy Grillo, Associate Analyst  
Address: Department of Food and Agriculture  
Animal Health and Food Safety Services  
1220 N Street, Room A-114  
Sacramento, CA 95814  
Telephone No.: (916) 651-7280  
Fax No.: (916) 653-4249  
E-mail address: [ngrillo@cdfa.ca.gov](mailto:ngrillo@cdfa.ca.gov)

Written comments, facsimiles or e-mails regarding this proposal are to be addressed to the following:

Name: Thami Rodgers, Associate Analyst  
Address: Department of Food and Agriculture  
Animal Health and Food Safety Services  
1220 N Street, Room A-114  
Sacramento, CA 95814  
Telephone No.: (916) 698-3276  
Fax No.: (916) 653-4249  
E-mail address: [trodgers@cdfa.ca.gov](mailto:trodgers@cdfa.ca.gov)

### **Website Access:**

Materials regarding this proposal can be found at <http://www.cdfa.ca.gov>